



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : CRIPPS et al. Confirmation No: 1830
Appl. No. : 10/774,393
Filed : February 10, 2004
Title : PHARMACEUTICAL FORMULATION OF FLUTICASONE
: PROPIONATE

TC/A.U. : 1616
Examiner : M Haghighatian

Docket No.: : CRIP3001C3/REF
Customer No: : 23364

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Official Action of November 27, 2006, in connection with the above-identified application. The period for response to this Official Action is set to expire on December 27, 2006. The present response is timely filed.

The Official Action holds that the previous response did not address the double patenting issues. There are two provisional obviousness-type double patenting rejections. The first is a rejection over copending application 10/630,655 and Applicants submit herewith a terminal disclaimer over this application. Thereby obviating the provisional obviousness-type double patenting rejection is this application with respect to the '655 application. Accordingly, it is most respectfully requested that this rejection be withdrawn.

Also submitted herewith is a copy of the assignment which reflects the transfer of ownership by the present Assignee, Glaxo Group Limited from the Assignor, the commonly owned SmithKline Beecham Corporation. The assignment is with respect to applications and patents issuing from the same parent application. Specifically, the present application is a continuation application of parent application 10/630,655, which is a continuation of 10/198,364 now USP 6,630,129 which is a continuation of 09/659,492 now USP 6,479,035. An appropriate terminal disclaimer has been filed in

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this application with respect to the earlier patents. The assignment is being concurrently filed with the assignment branch of the USPTO for recordation.


The second provisional obviousness-type double patenting rejection is with respect to copending application 10/168,672. This application has received a non final rejection. Since the '672 application has not been allowed and the present application is in condition for allowance, the present application should be allowed so that the provisional nature of the rejection can be removed and appropriate action taken in the '672 application with respect to any alleged obviousness-type double patenting rejection. Accordingly, it is most respectfully requested that the provisional obviousness-type double patenting rejection in the present application be withdrawn and the application issued.

Applicants also submit herewith additional prior art to made of record in the present application along with the required fee of \$180.00. It is most respectfully requested that the cited additional prior art be made of record in this application.

In view of the above comments, submission of a terminal disclaimer and the comments submitted with the response of August 28, 2006, favorable reconsideration and allowance of all of the claims now present in the application are most respectfully requested.

Respectfully submitted,

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